



Town of Groton, Connecticut

Meeting Minutes

Town Council

45 Fort Hill Road
Groton, CT 06340-4394
Town Clerk (860)441-6640
Town Manager (860)441-6630

Mayor Harry A. Watson, Councilors Peter J. Bartinik, Jr., Natalie Burfoot Billing, Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., Paulann H. Sheets, Thomas J. Skrmetti, and Elissa T. Wright.

Tuesday, November 1, 2005

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

The meeting was called to order at 7:30 p.m. by Mayor Harry Watson.

Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent, Town Clerk Barbara Tarbox, and Office Assistant Elga Concepcion.

Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor Sheets, Councilor Skrmetti and Councilor Wright

Members Absent: Councilor O'Beirne, Jr.

II. SALUTE TO THE FLAG

The Salute to the Flag was led by Councilor Billing and Councilor Skrmetti.

Mayor Watson passed out mementos to all present Council members.

III. RECOGNITION, AWARDS & MEMORIALS

2005-0274

Proclamation Honoring the 25th Anniversary of the Groton Senior Center

Read

Councilor Kolnaski read the Proclamation.

Councilor Bartinik commended the Mayor on his service and on a job well done. He noted that Mayor Watson conducted meetings with dignity and respect for the process.

IV. CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Sidney Van Zandt, 3 Front Street, Noank, stated that the Explanatory Text she received in the mail did not mention the polluting of Groton's rivers which she hopes to see corrected by the Fort Hill Homes Sewer Rehabilitation Project. She urged citizens to vote in favor of this ordinance.

Daphne Vayos, 53 Pearl Street, Noank, requested that the amendment to the Bus Ordinance regarding motorcoach bus traffic in Noank be reviewed more thoroughly before proceeding with any legislative actions.

Tim Pratt, 75 Front Street, Noank, owns a business located at the corner of Pearl Street and Main Street. He feels that the Bus Ordinance will increase bus traffic and will have a negative impact on Noank residents. Mr. Pratt is also concerned about the distinction between destination buses and tourist buses.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Councilor Bartinik asked Ms. Vayos if she was aware of the number of signatures on petitions relating to the opposition to bus traffic in Noank. Ms. Vayos responded that although she did not recollect the exact number, there were hundreds of signatures collected over the past few years.

VI. CONSENT CALENDAR

a. Approval of Minutes

2005-0293 Approval of Minutes (Town Council)**RESOLUTION ACCEPTING TOWN COUNCIL MINUTES**

RESOLVED, that the minutes of the Town Council Meeting of October 18, 2005 are hereby accepted and approved.

This Matter was Adopted on the Consent Calendar.

Councilor Sheets would like page one of the October 18, 2005 minutes corrected in regards to her discussion with a State official and the Merritt property. She also asked that page two be corrected with respect to her description of GOSA. The meeting minutes were approved as corrected.

b. Deletions from the Town Council Referral List**2004-0308 Alcohol Possession By Minors**

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2005-0075 Adoption of an Ordinance Regarding Alcohol Possession by Minors

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2005-0272 Naming of Copp Property Dog Park

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

Passed The Consent Calendar

A motion was made by Councilor Skrmetti, seconded by Councilor Billing, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar.

The motion carried unanimously.

VII. COMMUNICATION REPORTS (Other than Committee Reports)**a. Town Councilors**

Councilor Skrmetti reminded the Council and the public of the Groton Tercentennial Social on November 19 at the Mystic Yachting Center. This will be the final official event of the Tercentennial Year.

Councilors Skrmetti and Billing thanked the people of Groton and Mayor Watson for their support during their terms of office, noting that it has been an honor to serve. They commended the dedicated and professional Town staff for their valuable work.

Councilor Billing reported on a phone call to Tom Hennick, Public Education Officer for the Freedom of Information Commission, regarding emails between Town Council members. Mr. Hennick explained to her that those emails put the Town Council at risk of being charged with holding an illegal meeting under the Freedom of Information Act. Anytime an email is sent from one Councilor to all or most Town Councilors, it is a public record, and should be printed out. The emails should be mentioned under Communications. If the emails lead to discussion of an issue, then they must be mentioned. He also stated that it would rise to the level of an illegal meeting if there were responses to the original email or continuing emails. He recommended that this should be mentioned publicly with the understanding that it wouldn't happen again. In further response, he noted that no email should be marked, or considered, "confidential" using the "pending litigation" exception unless there is a written notice, demand, or complaint to the Town. Councilor Billing believes that a Councilor can call the Town Manager with information or a question. If the Councilor is still not satisfied, and that the issue needs to be discussed by the Council, then the Councilor should ask for a Referral at a Council meeting. She also is concerned that a Councilor could send an email and, in a sense, direct the Town Manager to provide a presentation to the Council.

Councilor Billing also reported on a call to David Stygar at the DEP regarding the Merritt Property. She asked him if he had ever been contacted by anyone "from Groton to discuss plans to build a building on the Merritt Property." Mr. Stygar's response was "No." He had "no memory of any town official ever calling him and asking if they could build a building on that property."

Councilor Sheets attended the Martin Luther King Jr. Scholarship dinner on October 27. She stated that she had contacted the Town Manager regarding the Pleasant Valley Road reconstruction schedule. She felt that asking him for a report was the proper thing to do. In response to Councilor Billing, Councilor Sheets has notes of her conversation with Mr. Stygar. She also explained how and why the emails occurred. She has no idea why he would say what Councilor Billing has reported.

Several Councilors and the Mayor attended the 25th Anniversary of the Groton Senior Center on October 27.

Councilor Kolnaski attended the Council Board of Education Liaison Committee and the Permanent School Building Committee on October 19. She thanked Mayor Watson, Councilor Billing, and Councilor Skrmetti for their service. Councilor Kolnaski encouraged Town residents to vote on November 8.

Councilor Skrmetti saw that the City was buying property near its sewer treatment plant for possible expansion. He suggested that the next Town Council meet with the Town of Stonington and the City about a regional sewer treatment plant. He noted that the City has a beautiful piece of property on the Thames River, and Mayor Popp might consider a long-term plan to remove the sewage treatment plant on Thames Street and open up the waterfront.

Mayor Watson thanked the Councilors for their kind words. He has learned a lot and has enjoyed being Mayor. He attended a COG meeting on October 19 and voted in favor of support for a homeless shelter in New London. He was a panelist for the Connecticut Public Health Association on October 21. The Mayor attended the Institution of a Ladies' Auxiliary at VFW Post 1673 on October 30. He received a call from Sara Lathrop of Mystic River Homes regarding problems with financing in regard to the repair of a roof. The Mayor received a letter from Mystic Harbormaster Paul Watts supporting the pumpout boat program.

b. Representative Town Meeting

No report.

c. Clerk of the Council

Town Clerk Tarbox noted that there has been minimal activity for this election. The new legislation seems to have lowered the number of absentee ballot applications received. She reminded viewers of the election on November 8 and noted that if anyone is not able to vote in person, he should contact her office to request an application for an absentee ballot. The Town Clerk alerted the Town Council that the Recanvass is scheduled for November 10. The RTM meeting is scheduled for November 16.

She was interviewed by News Channel 8 regarding civil union activity in Groton. The Town Clerk pointed out that her replies to Town Council members' emails regarding Town business are addressed to all Town Council members.

d. Town Manager

Town Manager Oefinger stated that the Program Review and Investigations Committee had planned to conduct a hearing on November 2 at Fitch High School, but will now try to reschedule after Thanksgiving.

There will be a Special Town Council meeting on November 9 pursuant to the Charter.

He also mentioned the annual mailing of the Emergency Assistance Survey form he recently received. When this form is completed and mailed back, the special needs information is given to the corresponding local Emergency Management Office.

2005-0298

Potential Land Sale (Mencer)

POTENTIAL LAND SALE (MENCER)

This matter was Referred to the Town Council Committee of the Whole. The motion carried.

The Town Manager requested a Referral to explore the possibility of an individual purchasing Town-owned land in the Bel-Aire Estates subdivision.

In response to Councilor Sheets, the Town Manager elaborated on the timeline for completion of the South Pleasant Valley Road construction project.

He included a storm damage update in the Weekly Status Report which noted additional expenses incurred, such as employee overtime and damages to roads, sidewalks, and drainage systems. The Town has submitted a reimbursement request to the State to recoup some or all of these expenditures.

The Town Manager also noted that there is a new lift dock being installed at the Mystic Seaport.

A reminder to viewers that Free Disposal Days will begin on November 12. The Transfer Station will be open for two full weekends, giving residents an opportunity for Fall cleaning.

Assistant to the Town Manager Lee Vincent noted that some flu clinics may have to be rescheduled due to delays in vaccine shipments.

e. Town Attorney

No report.

VIII. COMMITTEE REPORTS

a. Community & Cultural Development - Chairman Billing

No meeting; no report.

b. Economic Development - Chairman Bond

No meeting; no report.

c. Education/Health & Social Services - Chairman Kolnaski

No meeting; no report.

d. Environment & Recreation - Chairman Sheets

No meeting; no report.

e. Finance - Chairman Wright

No meeting; no report.

f. Personnel/Appointments/Rules - Chairman O'Beirne

No meeting; no report.

g. Public Safety - Chairman Skrmetti

No meeting; no report.

h. Public Works - Chairman Bartinik

No meeting; no report.

i. Committee of the Whole - Mayor Watson

The Committee of the Whole met on October 11 and items on tonight's agenda are a result of that meeting. There was a Special Committee of the Whole meeting preceding tonight's Town Council meeting.

IX. UNFINISHED BUSINESS

In response to Councilor Wright, the Town Manager confirmed that he met with Father Gregory last week and expects to receive a letter from him indicating St. Mary's Church's position on the use of their parking lot for Fitch High School students.

Councilor Bartinik asked Mayor Watson to clarify whether Town funds were utilized for the New London Shelter. The Mayor responded that this was not the case and that COG funds were utilized. The Town Manager confirmed that COG receives funding from sources other than member municipalities.

2005-0075

Adoption of an Ordinance Regarding Alcohol Possession by Minors

ADOPTION OF AN ORDINANCE REGARDING ALCOHOL POSSESSION BY MINORS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

SECTION 1: FINDINGS

1. The possession and consumption of alcoholic liquor by minors is a matter of a growing local, regional, and national concern.
2. Consumption of alcoholic liquor by minors unsupervised by parental authority creates a health and safety risk not only to our children but also to the general public.
3. The Town of Groton seeks to protect, preserve and promote the health, safety, welfare, and quality of life of its residents by regulating the possession of alcohol by minors.

SECTION 2: PURPOSE

To regulate the possession of alcoholic beverages by minors on both public and private property.

SECTION 3: DEFINITIONS

ALCHOLIC LIQUOR-shall have the same meaning as the same term defined in Title 30, Section 30-1 of the Connecticut General Statutes, as amended from time to time.

HOST-To organize a gathering of two or more persons, or to allow the premises under one's control to be used with one's knowledge, for a gathering of two or more persons for personal, social, or business interaction at which the host knows or should know that alcohol is consumed by a minor or minors.

MINOR-Any natural person under the age of twenty-one (21) years old.

PERSON-Any natural person, firm, partnership, association, syndicate, company, trust, corporation, limited-liability company, municipality, agency, or political or administrative subdivision of the state or other legal entity of any kind.

SECTION 4: POSSESSION

No minor under the age of twenty-one (21) shall be in possession within the Town of Groton of a container, whether open or closed, which contains alcoholic liquor, except when accompanied by or in the presence of his or her parent, legal guardian, or spouse, who has attained the age of twenty-one (21) years. This restriction shall apply to both public and private property.

SECTION 5: HOSTING EVENTS

No person shall host an event or gathering at which the host knows or should know that alcohol is consumed by or dispensed to any minor unless said minor is accompanied by or in the presence of his or her parent, guardian, or spouse who has attained the age of twenty-one (21). This restriction shall apply to any event or gathering within the Town of Groton, whether conducted on public or private property.

SECTION 6: EXCEPTIONS

The provisions of Sections 4 and 5 of this ordinance shall not apply to the following:

1. A minor who possesses alcoholic liquor on the order of a practicing physician or any person who sells, ships, delivers or gives any alcoholic liquors to a minor on the order of a practicing physician.
2. A natural person over the age of eighteen (18) who is an employee or permit holder under Section 30-90a of the Connecticut General Statutes and who possesses alcoholic liquor in the course of such natural person's employment or business or in the course of a sale, shipment, or delivery of alcoholic liquor made to a person over age eighteen (18) who is an employee or permit holder under Section 30-90a of the Connecticut General Statutes and where such sale, shipment, or delivery is made in the course of such person's employment or business.
3. Provided that neither subsection of this Section 6 shall be applied or be construed to apply to violations of Section 4-2 and 4-3 of the Groton Code of Ordinances.

SECTION 7: PENALTIES

Any person violating any provision of this article shall be subject to a fine of \$95.00.

This ordinance shall become effective on the forty-fourth (44th) day after publication of notice of its passage pursuant to Charter Section 4.6.1.

(REFER TO THE RTM)

A motion was made by Mayor Watson, seconded by Councilor Kolnaski, that this matter be Adopted and Referred to the Representative Town Meeting, due back on December 14, 2005.

Councilor Bartinik stated that he was in favor of this ordinance and feels that the State should pass a law on this matter so there will be consistency throughout the State, allowing individual towns to remove themselves from this type of criminal law.

Councilor Sheets reminded the public that this ordinance does not negate the provisions of the Fourth Amendment.

The motion carried by the following vote:

Votes: In Favor: 8 - Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor Sheets, Councilor Skrmetti and Councilor Wright

X. NEW BUSINESS**2005-0272****Naming of Copp Property Dog Park****RESOLUTION TO NAME THE TOWN OF GROTON DOG PARK**

WHEREAS, On August 21, 2005, the Town of Groton Department of Parks and Recreation opened a dog park at the Copp Property, in conjunction with the SE CT Dog Park Association and

the Copp Park Board of Overseers, for residents who wish to socialize and exercise their dogs with other dogs, and

WHEREAS, the Parks and Recreation Commission sought public proposals for naming the dog park, and

WHEREAS, 35 names were submitted and reviewed by the Commission, and

WHEREAS, the Commission recommended that the park be dedicated to Glenna Doyle, the tireless supporter of the dog park project, in memory of her beloved dog Mitsu, and also recommended that the park be named either Central Bark or Groton Bark Park, now therefore be it

RESOLVED, that the Town of Groton dog park on the Copp Property shall be named Central Bark, and be it

FURTHER RESOLVED, that the park shall be dedicated to Glenna Doyle and to the memory of her dog Mitsu, with appropriate signage to be placed at the site.

A motion was made by Councilor Skrmetti, seconded by Councilor Kolnaski, that this matter be Adopted.

The motion carried by the following vote:

Votes: In Favor: 7 - Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor Skrmetti and Councilor Wright
Opposed: 1 - Councilor Sheets

2005-0283

2006 Rates for Shennecossett Golf Course

RESOLUTION SETTING 2006 RATES FOR THE SHENNECOSSETT GOLF COURSE

WHEREAS, the Town of Groton's Shennecossett Golf Course operates as an enterprise fund, apart from the Town's general fund budget, and

WHEREAS, the Shennecossett Enterprise Fund is intended to have a balanced budget, and

WHEREAS, the the Golf Advisory Board and the Parks and Recreation Commission have recommended a 3% increase in fees, and

WHEREAS, the Town Council has considered the economic choices between obtaining increased revenue through higher fees, which could yield reduced volume of business, compared to a smaller fee increase which is more likely to prevent a loss of business, and

WHEREAS, the Town Council has the power to raise or lower rates during the coming year in order to implement new policies or to correct fiscal imbalances, now therefore be it

RESOLVED, that the rates for the year 2006 shall be the rates as attached to this resolution.

A motion was made by Councilor Billing, seconded by Councilor Kolnaski, that this matter be Adopted.

The motion carried unanimously.

2005-0282

Grant for Holiday DUI Enforcement

RESOLUTION APPROVING A GRANT APPLICATION FOR SEASONAL PREVENTION OF MOTOR VEHICLE ACCIDENTS

WHEREAS, the Town of Groton customarily makes use of Federal grant funds to allow the town to provide additional police presence and public safety efforts to assist motorists and prevent fatalities arising from alcohol-impaired driving, now therefore be it

RESOLVED, that the Town Manager may apply for a grant of \$28,500 which, along with a matching 25% Town of Groton contribution of \$9,500, will allow for a DUI enforcement program costing \$38,000 during the upcoming Thanksgiving and Christmas/New Year's holiday seasons.

A motion was made by Councilor Bartinik, Jr., seconded by Councilor Bond, that this matter be Adopted.

The motion carried unanimously.

SUSPENSION OF THE RULES

A motion to suspend the rules to consider consolidating Poquonnock Bridge Fire District was made by Councilor Bond, seconded by Councilor Skrmetti and so voted unanimously.

2003-0109 Poquonnock Bridge Fire District - Consolidation Resolution

RESOLUTION AUTHORIZING A TOWN-WIDE FIRE PROTECTION ANALYSIS

WHEREAS, a Committee appointed by the Town Council and chaired by Councilor Billing has studied a proposal to consolidate the operations of the Poquonnock Bridge Fire District with the Town, and

WHEREAS, the Study Committee's report that was issued following a year of meetings recommended that the Town should contract for a Town-wide analysis of fire protection services, and

WHEREAS, the number of issues is unusually large, including equitable sharing of backup work and equitable compensation for services to the Town or other non-taxpaying entities, therefore be it

RESOLVED, that the Town Manager shall prepare a Scope of Study and obtain indications of qualifications for a fire protection study, to be financed from funds already appropriated for this fiscal year in an amount not to exceed \$35,000 and presented to the Town Council prior to release of the RFP.

A motion was made by Councilor Skrmetti, seconded by Councilor Bond, that this matter be Adopted.

The motion carried by the following vote:

Votes: In Favor: 7 - Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor Sheets and Councilor Skrmetti
Opposed: 1 - Councilor Wright

XI. OTHER BUSINESS

None.

XII. ADJOURNMENT

A motion to adjourn at 9:03 p.m. was made by Councilor Bond, seconded by Councilor Billing and so voted unanimously.

Attest:

*Barbara Tarbox, Town Clerk
Clerk of the Council*

*Elga Concepcion
Office Assistant*